

House Bill 1383

By: Representatives Oliver of the 83rd, Porter of the 143rd, Smyre of the 132nd, Orrock of the 58th, Hugley of the 133rd, and others

A BILL TO BE ENTITLED

AN ACT

To amend Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to public officials conduct and lobbyist disclosure, so as to provide for ethics in government; to create conflict of interest provisions relating to gifts and meals in excess of \$50.01; to provide for definitions; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to public officials conduct and lobbyist disclosure, is amended by adding a new Code section to the end of the article to read as follows:

"21-5-77.

(a) As used in this Code section, the term:

(1) 'Gift' means anything of value including, but not limited to, lodging, travel, transportation, entertainment, tickets, personal services, gratuities, honoraria, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money. Gift shall not include a bona fide loan made by a state or federally chartered financial institution or a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation if such loan is made in the normal course of business with the expectation on the part of all parties that such loan shall be repaid and such loan is based on the credit worthiness of the borrower and the borrower is personally liable for the repayment of the loan. Gift shall not include those items identified in division (1)(E)(iv) or (1)(E)(vii) of Code Section 21-5-70. Gift shall not include a meal. For purposes of this paragraph, reimbursement or payment of actual and reasonable expenses for travel, transportation, lodging, and registration for a meeting which is provided to a public officer or public employee to permit such public officer's

1 or public employee's participation in a panel or speaking engagement at the meeting shall
2 not be considered a gift. Each gift shall be valued per occurrence. Where a gift is
3 reported as an apportioned share or fraction of a total such as for group lodging then that
4 apportionment shall be noted on the report for that gift.

5 (2) 'Meal' means food and beverages which total \$50.01 or more consumed at a single
6 event. Meal shall not include those items identified in division (1)(E)(iv) or (1)(E)(vii)
7 of Code Section 21-5-70. For purposes of this paragraph, reimbursement or payment of
8 actual and reasonable expenses for food and beverages for a meeting which is provided
9 to a public officer or public employee to permit such public officer's or public
10 employee's participation in a panel or speaking engagement at the meeting shall not be
11 considered a meal. Where a meal is reported as an apportioned share or fraction of a total
12 such as for group dining then that apportionment shall be noted on the report for that
13 meal.

14 (b) Neither a lobbyist nor any person on whose behalf a lobbyist is registered shall make
15 any gift to any public officer or public employee or to any person on such public officer's
16 or public employee's staff or to the public officer's or public employee's family, nor shall
17 any such person accept a gift from a lobbyist or from any person on whose behalf a lobbyist
18 is registered. If a gift is accepted, it shall be returned or reimbursed to the donor. Where
19 appropriate for purposes of tradition, ceremony, or intergovernmental relations, or when
20 acting as a representative of a department, board, bureau, agency, commission, or authority,
21 a public officer or employee may accept a gift on behalf of such department, board, bureau,
22 agency, commission, or authority. If the gift retains value after its acceptance, the public
23 officer or employee shall maintain custody of the gift no longer than reasonably necessary
24 to arrange for the transfer of custody of the gift to the public officer's or employee's
25 department, board, bureau, agency, commission, or authority or to a charitable organization
26 on behalf of such department, board, bureau, agency, commission, or authority.

27 (c)(1) Notwithstanding subsection (b) of this Code section, a part-time public officer may
28 accept a monetary fee or honorarium if:

29 (A) The public officer's private employment or profession requires public speaking;
30 and

31 (B) The speaking engagement, seminar, discussion panel, or other activity does not
32 relate to the official duties of the public officer.

33 (2) A part-time public officer who accepts a monetary fee or honorarium in accordance
34 with this Code section shall file a financial disclosure statement in accordance with Code
35 Section 21-5-50.

1 (d) Neither a lobbyist nor any person on whose behalf a lobbyist is registered shall provide
2 any meal to any public officer or public employee or to any person on such public officer's
3 or public employee's staff or to the public officer's or public employee's family, nor shall
4 any such person accept a meal from a lobbyist or from any person on whose behalf a
5 lobbyist is registered. If a meal is accepted, it shall reimbursed to the donor."

6 **SECTION 2.**

7 All laws and parts of laws in conflict with this Act are repealed.